



Vogel Paint & Wax Company's Superfund Site in Maurice, Iowa: A Request for Assistance

In 1986, Vogel Paint & Wax Company's (Vogel) Superfund Site was added to the National Priority List (NPL), the nation's list of priority sites for contamination cleanup. After 33 years of Vogel investing millions of dollars remediating the Site, and recently making a renewed effort to get the Site clean and removed from the NPL, the Environmental Protection Agency (EPA) is now proposing to change the cleanup requirements through a lengthy decision-making process. EPA cites no reasonable or factual basis for this change. EPA also is diverging from its own Superfund policy of expediting cleanup and deletion of NPL sites. Further, the state agency leading the cleanup – Iowa's Department of Natural Resources (IDNR) – disagrees with EPA. In 1989, EPA and IDNR decided that pumping and treating groundwater would be necessary to clean up the Site to safe drinking water levels (known as MCLs - maximum contaminant levels). In 2000, after 11 years of experience cleaning up the Site, both agencies decided that it was reasonable to meet the MCLs at the Site's property boundary, rather than "everywhere" throughout the Site. There are no drinking water wells on-site nor within the surrounding area, and Vogel has been encouraged by IDNR to record a covenant prohibiting the use of on-site water for human consumption, which the company is willing to do.

In 2018, Vogel submitted a comprehensive and aggressive Pilot Study Work Plan (Work Plan) for groundwater bioremediation throughout the Site with an additional application of sorption-based technology at the Site's southern property boundary to prevent future off-site migration of any residual contamination. This approach is designed to meet all of the MCLs at the Site's property boundary, and it will meet most of them throughout the remainder of the Site.

Although EPA and IDNR recently approved the Work Plan, Vogel just learned from IDNR that EPA wants to impose new requirements before Vogel can petition for its cleaned Site to be deleted from the NPL. EPA wants to prepare all new decision documents—a time consuming and intensive process that IDNR and Vogel consider legally unnecessary. EPA also wants to change the MCL point of compliance from the Site's property boundary to "everywhere" throughout the Site, which also is unnecessary because the Site's groundwater is not being used for human consumption.

To justify these extensive changes, EPA is citing a 2009 guidance document that contains a policy that has been in effect since 1990. That policy encourages compliance with MCLs throughout a site, but permits exceptions, stating "remediation levels generally should be attained throughout the contamination plume..." IDNR and EPA considered that policy in 2000, and they concluded that it was not reasonable to require Vogel to meet MCLs "everywhere" throughout the Site. Moreover, EPA has re-evaluated this Site every five years since 2000— in 2004, 2009, and 2014 – and has never once found it necessary to change the MCL point of compliance. There is no basis for doing so now either.

EPA's proposed change is unreasonable and is inconsistent with the both the Administrative Record and EPA's own Superfund Policy. Moreover, it frustrates the goal of getting the Site cleaned and deleted from the NPL in a timely, efficient, and cost-effective manner. Vogel would sincerely appreciate an opportunity to discuss this matter with you.

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